

Town Board Minutes

**Meeting
No. 16**

Special Meeting

June 19, 1995

MEETINGS TO DATE 16
NO. OF REGULARS 11
NO. OF SPECIALS 5

LANCASTER, NEW YORK
JUNE 19, 1995

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of June 1995, at 7:05 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR
ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN
JOHN P. GOBER, PLANNING BOARD MEMBER
DONNA G. STEMPNIAK, PLANNING BOARD MEMBER

ABSENT: PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK M. DE CARLO, PLANNING BOARD MEMBER
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
JOSEPH F. REINA, ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
ROBERT H. LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of four actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
KIDS KORNER DAY CARE CENTER SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Kids Korner Day Care Center Site Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER STEMPNIAK
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
KIDS KORNER DAY CARE CENTER SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.43 acres.

The location of the premises being reviewed is on the south side of Wehrle Drive, east of Transit Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
 - a) It is noted that a State Pollution Discharge Elimination

System (SPDES) General Permit for Discharge from
Construction Activities is required.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy.

No adverse effects noted

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Lucian J. Greco, Supervisor
Town of Lancaster

June 19, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and
and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

June 19, 1995

**IN THE MATTER OF THE SEQR REVIEW OF THE
PAUL M. PAUTLER REZONE PETITION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Paul M. Pautler Rezone Petition matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER O'NEIL
WHO MOVED ITS ADOPTION, SECONDED BY
SUPERVISOR GRECO , TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

NOTICE OF DETERMINATION:

PAUL M. PAUTLER REZONE PETITION

NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.36 acres.

The location of the premises being reviewed is on the north side of Broadway just west of Ransom Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
- No adverse effects noted
- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
- No adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
- No adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
- No adverse effects noted
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
- No adverse effects noted
- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
- No adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).
- No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s
Lucian J. Greco, Supervisor
Town of Lancaster

June 19, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and
and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

June 19, 1995

IN THE MATTER OF THE SEQR REVIEW OF THE
TRY-IT WAREHOUSE FACILITY SITE PLAN

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Try-It Warehouse Facility Site Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER STEMPIAK
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION
TRY-IT WAREHOUSE FACILITY SITE PLAN
NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 25 acres.

The location of the premises being reviewed is on the south side of Walden Avenue west of Pavement Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not affect existing transportation systems.
15. The proposed action will have a small to moderate affect on the community's sources of fuel or energy supply.
16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
17. The proposed action will not affect public health and safety.
18. The proposed action will have a small to moderate affect on the character of the existing community
19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____
Lucian J. Greco, Supervisor
Town of Lancaster

June 19, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEPNIAK	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

June 19, 1995

IN THE MATTER OF THE SEQR REVIEW OF THE
HUNTERS CREEK NORTH SUBDIVISION

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Hunters Creek North Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION
HUNTERS CREEK NORTH SUBDIVISION
NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Joseph F. Reina, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 19.6 acres.

The location of the premises being reviewed is on the south side of William Street, west of Siebert Road and east of Lake Avenue.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

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6. The proposed action will not alter drainage flow patterns or surface water runoff.
 7. The proposed action will not affect air quality.
 8. The proposed action will have a small to moderate affect on threatened or endangered species.
 9. The proposed action will not substantially affect non-threatened or endangered species.
 10. The proposed action will not affect agricultural land resources.
 11. The proposed action will not affect aesthetic resources.
 12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
 13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
 14. The proposed action will not affect existing transportation systems.
 15. The proposed action will not affect the community's sources of fuel or energy supply.
 16. There will not be objectional odors, noise, or vibration as a result of this proposed action.
 17. The proposed action will not affect public health and safety.
 18. The proposed action will have a small to moderate affect on the character of the existing community.
 19. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s

Lucian J. Greco, Supervisor
Town of Lancaster

June 19, 1995

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GRECO	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	WAS ABSENT
COUNCIL MEMBER VAN NORTWICK	WAS ABSENT
PLANNING BOARD MEMBER O'NEIL	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

June 19, 1995

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:35 P.M.

Robert P. Thill

Robert P. Thill, Town Clerk

Town Board Minutes

**Meeting
No. 17**

Regular Meeting

June 19, 1995

MEETINGS TO DATE 17
NO. OF REGULARS 12
NO. OF SPECIALS 5

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LANCASTER, NEW YORK
JUNE 19, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 19th day of June 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH F. REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 8:45 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 9:05 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on June 5, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.MIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER POKORSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER VAN NORTWICK, TO WIT:

WHEREAS, a replacement of the regularly scheduled meeting of the Lancaster Town Board set for July 3, 1995 would be feasible due to extensive municipal preparation for the July 4th Independence Day Celebration to be held in and about the Lancaster Town Hall,,

NOW, THEREFORE, BE IT

RESOLVED, that so much of Rule 1 of the Rules of Order of the Town of Lancaster, as adopted by the Town Board on January 1, 1994, be amended to provide for replacement of the regular meeting originally scheduled to be held on July 3, 1995 with a meeting to be held on July 10, 1995, said replacement meeting to be held at the Lancaster Town Hall at 8:00 P.M. at the usual time and place for regular Town Board meetings.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER POKORSKI , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated June 5, 1995, has requested the addition of a probationary active
member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition the membership of the Bowmansville Volunteer Fire
Association, Inc. of the following individual:

ADDITION

Jacqueline Irr
5334 Genesee Street
Bowmansville, New York 14026

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.FIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER POKORSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
VAN NORTWICK, TO WIT:

WHEREAS, Bowmansville Volunteer Fire Department has requested the installation of an additional fire hydrant south of The Gardens Hotel at 6619 Transit Road, in the Town of Lancaster, and

WHEREAS, the Erie County Water Authority has agreed to install the additional fire hydrant upon the request of the Town of Lancaster, and

WHEREAS, the Town Board deems it in the public interest to authorize the installation of the said fire hydrant;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster hereby authorizes the Erie County Water Authority to install a fire hydrant at the following location:

At or near 6619 Transit Road, south of the Gardens Hotel.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

FILE: R.HYDRANT.INST

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT;

WHEREAS, the Town Board of the Town of Lancaster is desirous of making an appointment to the Planning Board to fill a vacancy created by the resignation of Melvin H. Szymanski on June 9, 1995, and

WHEREAS, the resignation of Melvin H. Szymanski was procedural only in order to qualify Mr. Szymanski for retirement from his full time position with the Erie County Department of Planning under the rules and regulations of the New York State Employees Retirement System, and

WHEREAS, the Town Board wishes to retain the planning expertise of Melvin H. Szymanski after his retirement from the Erie County Department of Planning,

NOW, THEREFORE, BE IT

RESOLVED, that MELVIN J. SZYMANSKI, 253 Broezel Avenue, Lancaster, New York be and is hereby appointed a member of the Planning Board of the Town of Lancaster for the period June 19, 1995 to December 31, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.PERS.BD.MEMBERS (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GRECO, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested the transfer of funds within the 1995 General Fund Budget to cover upcoming necessary expenditures for the Department of the Superintendent of Highways.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfers within the 1995 Adopted General Fund Budget of the Town of Lancaster be and is hereby approved:

FUND APPROPRIATION:

	<u>Increase</u>	<u>Decrease</u>
01.5010.426 Repairs & Maintenance	1,000.00	
01.5010.210 Office Furniture and Equip.		1,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
BY COUNCIL MEMBER KWAK , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of May, 1995, for
the purpose of amending Sections 50-7(B); 50-25 (B)(1)(f), and 40-43 (A)(1) of
Chapter 50, Zoning, of the Code of the Town of Lancaster, as follows:

CHAPTER 50 - ZONING

1. 50-7. Definitions and word usage.

.....

B.

"JUNKYARD", shall be deleted in its entirety and
a new "SALVAGE YARD" definition shall be substituted
in place thereof, which shall read as follows:

.....

"SALVAGE YARD - Any place for the storage or deposit,
whether in connection with another business or not,
of used motor vehicles, intended to be wrecked or
junked or stored as wrecked or junked motor vehicles,
iron, steel or non-ferrous scrap, where such items,
or any of them, are held for the purpose of resale;
dismantling parts therefrom for resale, or reclaiming
for use, some or all of the material therein. The
term shall include any place for the storage or
deposit, for any such purposes, of used parts or
waste materials from motor vehicles, and shall
include those established motor vehicle wrecking
and/or motor vehicle dismantling operations which
were subject to the licensing requirements of former
Chapter 4 - Auto Wrecking and Junkyards of the Code
of the Town of Lancaster."

2. 50-25. General Industrial District (GI).

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(f) "Automobile junkyards, by special use
permit", shall be deleted in its entirety
and a new "(f)" shall be substituted in
place thereof, which shall read as follows:

"(f) Salvage yards"

and

3. 50-43. Site plan review.

A. Site plan submittal.

- (1) "Residential developments that contain three (3) or more multifamily dwelling units" shall be deleted in its entirety and a new "(1)" shall be substituted in place thereof, which shall read as follows:

"(1) Residential developments that contain three (3) or more single family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; residential developments that contain three (3) or more multifamily dwelling units; residential developments for apartment houses, townhouse units and condominium units."

and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Sections 50-7 (B); 50-25 (B)(1)(f), and 50-43 (A)(1) of Chapter 50, Zoning, of the Code of the Town of Lancaster, County of Erie, and State of New York, be and hereby are amended;

2. That said amendments be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 19th day of June, 1995;

3. That a certified copy of these amendments be published in the Lancaster Bee on June 22, 1995;

4. That a certified copy of these Amendments be posted on the Town Bulletin Board; and

5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 50, ZONING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that Sections 50-7 (B); 50-25 (B)(1)(f) and Section 50-43 (A)(1) of Chapter 50 Zoning, of the Code of the Town of Lancaster, be and are hereby amended as follows:

CHAPTER 50 - ZONING

Chapter 50, ZONING,, of the Code of the Town of Lancaster shall be amended as follows:

1. 50-7. Definitions and word usage.

.....

B.

"JUNKYARD", shall be deleted in its entirety and a new "SALVAGE YARD" definition shall be substituted in place thereof, which shall read as follows:

.....

"SALVAGE YARD" - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles intended to be wrecked or junked or as wrecked or junked motor vehicles, iron, steel or nonferrous scrap, where such items, or any of them, are held for the purpose of resale; dismantling parts therefrom for resale, or reclaiming for use some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes of used parts or waste materials from motor vehicles, and shall include those established motor vehicle wrecking and/or motor vehicle dismantling operations which were subject to the motor vehicle licensing requirements of former Chapter 4-Auto Wrecking and Junkyards of the Code of the Town of Lancaster.

2. 50-25. General Industrial District (GI).

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(f) "Automobile junkyards, by special use permit" shall be deleted in its entirety and a new "f" shall be substituted in place thereof, which shall read as follows:

"(f) Junkyards".

and

3. 50-43. Site plan review.

A. Site plan submittal

(1) "Residential developments that contain three (3) or more multifamily dwelling units", shall be deleted in its entirety and a new "(1)" shall be substituted in place thereof, which shall read as follows:

"(1) Residential developments that contain three (3) or more single family dwellings in a planned cluster development other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster; residential developments that contain three (3) or more multifamily dwelling units; residential developments for apartment houses, townhouse units and condominium units."

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Amendment to the Zoning Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York, on the 19th day of June, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of June, 1995.

Robert P. Thill
Town Clerk

June 19, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 3 of the Year 1995, entitled: "JUNKYARDS", has been amended to read "SALVAGE YARDS", and designated as Chapter 4 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster on May 1, 1995, by Councilman Kwak, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on May 15, 1995;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 3 of the Year 1995, entitled: "SALVAGE YARDS", and designated as Chapter 4 of the Code of the Town of Lancaster, County of Erie and State of New York, as follows:

SALVAGE YARDS

CHAPTER 4

SALVAGE YARDS

Local Law No. 3
1995

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY DELETING AND REPEALING IN ITS ENTIRETY, CHAPTER 4 THEREOF, "AUTO WRECKING AND JUNKYARDS", AND REPLACING IT WITH A NEW CHAPTER 4, TO BE ENTITLED, "SALVAGE YARDS", WHICH CHAPTER WILL PROVIDE FOR LICENSES TO BE ISSUED BY THE TOWN BOARD, PROCEDURES FOR ISSUING THE LICENSES, COLLECTING FEES, SUSPENDING OR REVOKING LICENSES AND PROVIDING PENALTIES FOR VIOLATIONS OF THE CHAPTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, Local Law No. 3 of the Year 1995, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by deleting and repealing Chapter 4, "Auto Wrecking and Junkyards".

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto a new chapter, to replace Chapter 4, hereinabove repealed, to be Chapter 4, "Salvage Yards", to read as follows:

- 4-1. Legislative intent.
- 4-2. Definitions.
- 4-3. License required.
- 4-4. Application for license.
- 4-5. Hearing.
- 4-6. Location restrictions.
- 4-7. Grant or denial of application.
- 4-8. License year.
- 4-9. License fees.
- 4-10. Renewal.
- 4-11. Renewal hearing.
- 4-12. Appeal
- 4-13. Injunctive relief.
- 4-14. Enforcement.
- 4-15. Violations.
- 4-16. Established junkyards.
- 4-17. Severability
- 4-18. Effective date.

- 4-1. Legislative intent.

This Local Law is enacted pursuant to the authority granted in Section 10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to property, affairs and government of the Town and shall be known as Local Law No. 3 of the year 1995, entitled: "Salvage Yards", and shall provide for a clean, wholesome, attractive environment which is of importance to the health and safety of the inhabitants of the Town, and the safeguarding of their material rights against unwarranted invasion, and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.

It is further declared that the unrestrained accumulation of salvage yards is a hazard to such health, safety and welfare of the inhabitants necessitating the regulation and restraint thereof. It is also noted that there presently exists four salvage yards within the Town. It is the intent of this local law to strike a balance between the protection of the health, safety and welfare of the town's inhabitants and the legitimate and necessary business of salvage yards.

4-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

TOWN - The Town of Lancaster, excluding the area of the Village of Lancaster and that portion of the Village of Depew lying within the Town of Lancaster.

PERSON - Any person, company, corporation or other business entity.

MOTOR VEHICLE - All vehicles designed to be propelled or drawn by power other than muscular power originally intended for use on public highways.

SALVAGE YARD - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles intended to be wrecked or junked, or stored as wrecked or junked motor vehicles; iron, steel or nonferrous scrap, where such items, or any of them, are held for the purpose of resale, dismantling parts therefrom for resale, or reclaiming for use some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes, of used parts or waste materials from motor vehicles, and shall include those established motor vehicle wrecking and/or dismantling operations which were subject to the motor vehicle licensing requirements of former Chapter 4-Auto Wrecking and Junkyards, of the Code of the Town of Lancaster.

4-3. License required.

No person shall own, lease, operate, establish or maintain a salvage yard until he has obtained a license to operate a salvage yard

4.4. Application for license.

Application for the license shall be made in writing to the Town Board, and shall be filed with the Town Clerk. The applications shall comply with the Town's site plan review process and any rules and regulations promulgated thereunder.

4-5. Hearing.

- A. A public hearing on the application shall be held before the Town Board. Notice of the public hearing shall be given to the applicant in writing and shall be published once in the official newspaper of the Town, which publication shall not be less than ten days before the date of the hearing.
- B. At the time and place set for hearing the Town Board shall hear the applicant and all other persons wishing to be heard upon the application.

4-6. Location restrictions.

- A. No salvage yard shall be located closer than 1,000 feet from a residential zone, and /or any residence, school, public park place of worship, or other place of public assembly.

- B. No salvage yard shall be located within 100 feet of a public thoroughfare.
- C. The salvage yard shall be completely surrounded with a fence, the type and height of which shall be such as in the opinion of the Town Board, will substantially screen the salvage yard operation on all sides thereof.
- D. All motor vehicles and parts, and scrap thereof, stored or deposited at the salvage yard shall be kept within the enclosure of the salvage yard, except as removal shall be necessary for the transportation of same in the reasonable course of business.
- E. All wrecking, dismantling or any other work on such motor vehicles and/or all reclaiming or any other work on such scrap shall be accomplished within the enclosure.
- F. The salvage yard must comply with all other applicable zoning provisions of this Code.
- G. If approved, the area of the salvage yard may not be expanded without further approval of the Town Board.

4-7. Grant or denial of application.

After a public hearing, the Town Board shall grant or deny the application. In making its determination, the Town Board shall take into consideration the following criteria:

- A. The ability of the applicant to comply with the fencing requirements.
- B. The ability of the applicant to comply with other reasonable restrictions, regulations and/or conditions sought to be imposed by the Town Board.
- C. Whether the applicant has been convicted for any type of larceny and/or receiving of stolen goods in this state or any other state or country.
- D. The nature, development and use of surrounding property and whether or not the proposed salvage yard substantially alters such nature, development or use of the surrounding property.
- E. Whether the general public can be protected from offensive or unhealthy odors, noise and smoke.
- F. Whether the proposed salvage yard would have an unfavorable impact upon the clean, wholesome and attractive environment declared to be of vital importance to the inhabitants of the Town.
- G. Whether there is available other suitable sites with the Town for the salvage yard.
- H. Whether there are other open and operating salvage yards within the Town and whether another salvage yard would unduly saturate the Town with salvage yards.

4-8. License year.

A license year shall be January 1 through December 31.

4-9. License fees.

In addition to any other fees imposed by this Code, the annual license fee shall be \$250.00 to be paid at the time the application is made and annually thereafter in the event of renewal.

4-10. Renewal.

Application for renewal of any license granted shall be made in writing to the Town Board, and shall be filed with the Town Clerk, together with the appropriate license fee, no later than November 30th of each year.

A renewal application shall not be subject to a public hearing, except as provided in section 4-11.

4-11. Renewal hearing.

A. Notwithstanding the above, the Town Board shall hold a public hearing on any renewal application, if the Town Board is in receipt of information that:

1. The applicant has not complied with those portions of this local law on his part to be in compliance with;
2. The salvage yard and/or its operation has become a public nuisance under the common law recognized in New York;
3. The applicant has been convicted of any type of larceny or the receiving of stolen goods in the State, or any other state or county;
4. The applicant has been convicted of any violation of this Local Law;

B. Said hearing shall be conducted in accord with the applicable provisions of the State Administrative Procedure Act.

C. In the event the Town Board finds affirmatively on any one or more of the standards set forth in this section, it may refuse to grant the renewal license applied for.

4-12. Appeal.

The determination of the Town Board denying an application or any renewal thereof, may be reviewed in a proceeding commenced under Article 78, Civil Practice Law and Rules.

4-13. Injunctive relief.

Notwithstanding any other penalties imposed herein for violations of this local law, if a person has allowed his salvage yard to become a public nuisance under the common law of this state, or if a person is operating a salvage yard without the license provided for herein, the Town may seek injunctive relief in the Courts of the State of New York.

4-14. Enforcement.

This local law shall be enforced by the Building Inspector.

4-15. Violations.

Violation of any portion of this local law shall be guilty of an offense punishable by a fine which shall not be less than \$250.00 and no more than \$1,000.00. Each seven (7) day period a violation shall continue, shall be deemed a separate violation.

4-16. Established salvage yards.

- A. For purposes of this local law, the location of salvage yards already established shall be considered approved by the Town Board, as to location and fencing.
- B. Within sixty (60) days of the effective date of this local law, the owners and/or operators of any established salvage yards, if they have not already done so, shall file with the Town Clerk, a survey or other suitable drawing, which locates the boundaries of any established salvage yards.
- C. No established salvage yard may expand its use or salvage yard area without further approval of the Town Board.
- D. Except as provided in subparagraph "A" of this section, the owners and/or operators of any established salvage yard shall be subject to the provisions of this local law.

4-17. Severability.

The invalidity of any section, or part thereof, of this chapter shall not affect the remaining provisions hereof.

4-18. When effective.

This Local Law shall take effect upon proper mailing, filing and publication in accordance with the law.

June 19, 1995

File: Loc.Law.No.3.95.Salvage.Yds.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 3 of the Year 1995 on the Town Bulletin Board;

2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and

3. Maintain a file in the Town Clerk's Office on Local Law No. 3 of the Year 1995, with all proofs of publication and posting required for adoption, and

4. File certified copies of Local Law No. 3 of the Year 1995 within twenty (20) days of adoption with:

- a) Town Clerk's Office
- b) Three (3) copies with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Loc.Law.3.Salvage.Yds.

NOTICE OF ADOPTION
TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 19, 1995, Local Law No. 3 of the Year 1995, which Local Law repeals in its entirety Chapter 4, Auto Wrecking and Junkyards of the Code of the Town of Lancaster and enacts in place thereof a new Chapter 4, of the Code of said Town, entitled: "SALVAGE YARDS", briefly described as follows:

"A Local Law which repeals Chapter 4, Auto Wrecking and Junkyards of the Code of the Town of Lancaster and enacts in place thereof a new Chapter 4, entitled: "Salvage Yards."

This Local Law sets forth regulations for the establishment, operation and licensing of salvage yards in the Town of Lancaster.

June 19, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 3 of the Year 1995, with the original thereof filed in my office at Lancaster, New York, on the 19th day of June, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 19th day of June, 1995.

Robert P. Thill
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Town's contract with Integrated Tire, 333 Ganson Street, for the recycling of tires is up for a three-year renewal effective June 1, 1995, and

WHEREAS, the Town's contract provides that, if the Town renewed the contract, the following amounts would be paid to Integrated Waste for the three-year renewal period:

1. Tires not larger than 1124.5 Series - \$80.00 per ton plus a cost of living increase.
2. Tires larger than 1124.5 Series - \$240.00 per ton, plus a cost of living increase, and

WHEREAS, the Town Supervisor and Town Attorney have negotiated a downward modification of the amounts to be paid to Integrated Waste, if the Town exercised its option to renew the control, and

WHEREAS, an Option Agreement has been prepared by the Town Attorney's office, and

WHEREAS, the Option Agreement provides that the amounts to be paid to Integrated Waste for the period June 1, 1995 through May 31, 1998 are as follows:

1. Tires not larger than 1124.5 Series - \$80.00 per ton.
2. Tires larger than 1124.5 Series - \$240.00 per ton, and

WHEREAS, Integrated Tire has executed the Option Agreement, and

WHEREAS, the Town Board deems it in the Town's interest to execute the Option Agreement;

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor is hereby authorized to execute the Option Agreement and a copy of the Option Agreement shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Opt.Agr.Int.Tire

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 2600 to Claim No. 2871 Inclusive

Total amount hereby authorized to be paid: \$ 448,338.84

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously
advertised for bids for development and construction of Westwood Park located
in the Town of Lancaster, and

WHEREAS, bids were received and opened on May 8, 1995, and

WHEREAS, Donald Gallo, Consulting Engineer has reviewed the bids for
Contracts Nos. 9G General; 9R Roadway and Parking; 9E Electrical; and 9H
Heating, Ventilation, Air Conditioning; and, by letters dated June 12, 1995,
has recommended that the lowest responsible bidders, for said Contracts, in
conformance with the specifications, are as follows:

-- <u>Contract No. 9G General</u>	<u>Amount</u>
MGR Constructors 184 Wayside Drive Depew, New York 14043	\$ 414,150.00
-- <u>Contract No. 9R Roadway & Parking</u>	
Milherst Construction, Inc. 2601 Millersport Highway Getzville, New York 14068	\$ 494,985.00
-- <u>Contract No. 9E Electrical</u>	
Timon Electrical Construction, Inc. 4804 Transit Road Depew, New York 14043	\$ 191,914.00
-- <u>Contract No. 9H Heating, Ventilation & Air Conditioning</u>	
Allied Mechanical, Inc. 531 Virginia Street Buffalo, New York 14202	\$ 34,107.00

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the beforementioned contracts for the construction of Westwood Park, to the following bidders, being the lowest responsible bidders in conformance with the bid specifications on file in the office of the Town Clerk:

-- Contract No. 9G-General

MGR Constructors
184 Wayside Drive
Depew, New York 14043 \$ 414,150.00

-- Contract No. 9R-Roadway & Parking

Milherst Construction, Inc.
2601 Millersport Highway
Getzville, New York 14068 \$ 494,985.00

-- Contract No. 9E-Electrical

Timon Electrical Construction, Inc.
4804 Transit Road
Depew, New York 14043 \$ 191,914.00

-- Contract No. 9H-Heating,
Ventilation & Air Conditioning

Allied Mechanical, Inc.
531 Virginia Street
Buffalo, New York 14202 \$ 34,107.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Wstwd.Pk.Awrd.3

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER GIZA, WHO MOVED
 ITS ADOPTION, SECONDED BY
 SUPERVISOR GRECO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated June 15, 1995, has recommended appointments for the Youth Bureau's 1995 summer programs,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to various positions in the Youth Bureau's 1995 summer programs of the Town of Lancaster at the following rates as specified in the 1995 Budget of the Town of Lancaster:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Jill Santoro 16 Lakeside Crescent Lancaster, N.Y. 14086	Tutor-Middle School Skills Program	\$14.00
Eric Grabowski 33 Southpoint Lancaster, N.Y. 14086	Chess Instructor	5.50
Kim Pesany 19 Kelly Ann Dr. Lancaster, N.Y. 14086	Art Instructor	9.00
Matthew Walter 67 Cotton St. Lancaster, N.Y. 14086	Drama Instructor	5.00
Cheryl Glose 9 Country Place Lancaster, N.Y. 14086	Production Coordinator	10.00
Jacqueline Wright 48 Cowing St. Lancaster, N.Y. 14086	Production Assistant	10.00
Terry Jarmuz 44 Gale Drive Lancaster, N.Y. 14086	Tutor-Enrichment Program	9.00
Adrienne Jozwiak 36 Loxley Rd. Cheektowaga, N.Y. 14225	Tutor-Middle School Skills Program	14.00
Edward Walsh 420 Campus Dr. Amherst, N.Y. 14226	Tutor-Middle School Skills Program	14.00
Ellen Rasmussen 61-4 Edgebrook Estates Cheektowaga, N.Y. 14227	Tutor-Skills Reinforcement Program	9.00
Janice Curry 6065 Whitegate Crossing East Amherst, N.Y. 14051	Musical Director	12.00
John Greenan 204 Burbank Dr. Snyder, N.Y. 14226	Choreographer	12.00
Edward Folger 31 Fairlawn Dr. East Aurora, N.Y. 14052	Orchestra Conductor	12.00

Timothy Klein
151 Cranwood Dr.
West Seneca, N.Y. 14224

Drama Instructor

\$10.00

Continue the position of Ann Monin, Program Leader-Youth (\$10.00) for July and August.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.PERS.SUMMER.YTH (P7-8)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, the members of the Lancaster Senior Citizens Center Club and the Director of the Town of Lancaster Parks and Recreation Department, have expressed to the Town Board their mutual concerns about persons and businesses who wish to enter the Center for purposes of disseminating information and materials, promoting products and services, and the soliciting of opinions and signatures, and

WHEREAS, it is the obligation of the members of the Senior Citizens Center Club and the Director of the Town of Lancaster Parks and Recreation Department, to see to it that the Center is operated in an orderly fashion; that the persons using the Center are not unnecessarily annoyed or interfered with; and that the persons using the Center can expect and rely upon a certain manner of operation which will ensure a pleasant atmosphere in which fraternity and congeniality may be promoted, and

WHEREAS, the Town Board has been requested to approve a policy regulating the dissemination of information and materials; promotion of products and services, and the solicitation of opinions and signatures, and to allow a sign to be installed at the entrance to the Center which would publicize such policy, and

WHEREAS, the Town Board has determined that a uniform policy regulating persons and/or businesses who wish to disseminate information and materials, promote products and services, and solicit opinions and signatures, would be in the interest of those persons using the Center and would be conducive to the orderly operation of the Center;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby authorizes and approves a uniform policy regulating persons and/or businesses who wish to enter the Lancaster Senior Citizens Center for purposes of disseminating information and materials, promoting products and services, and the soliciting of opinions and signatures;

2. The Town Board further authorizes the preparation and installation of a sign at the entrance of the Center, setting forth the following policy:

- a) All persons and/or businesses, wishing to enter the center for purposes of disseminating information and materials, promoting products and services, and/or soliciting opinions and signatures, must first submit a written request to do so to the Director of the Town of Lancaster Parks and Recreation Department.
- b) The Director shall review such request in consultation with the Board of Directors of the Lancaster Senior Citizens Center Club, and shall determine whether or not to approve the request.
- c) If approved, the requestor shall be notified of the time and date the requestor may come to the Center for the purposes detailed in the request,
- d) In making its determination, the Director may not take into consideration the age, race, color, creed or national origin of the requestor; nor the political nature of the request.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Director of Parks and Recreation, by letter dated June 16, 1995, has requested the following appointments for the Parks and Recreation Department as maintenance and support staff for the summer season of 1995,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to various positions in the Parks and Recreation Department of the Town of Lancaster at the following hourly rates as specified in the 1995 Budget of the Town of Lancaster:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
George Besch 36 Glendale Ave. Lancaster, New York 14086	Tennis Supervisor	\$8.50 hr.
Jamie Bremiller 10 Cemetery Rd Lancaster, New York 14086	Lifeguard	\$5.00 hr.
Phillip Ceppaglia 65 Holland Ave. Lancaster, New York 14086	Tennis Instructor	\$5.25 hr.
Molly Chudzinski 22 Via Donato West Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Andrea Coleman 72 Robert Dr. Lancaster, New York 14086	Tennis Instructor	\$5.00 hr.
Laura Coleman 72 Robert Dr. Lancaster, New York 14086	Tennis Instructor	\$5.25 hr.
Lisa Marie Frank 47 Nichter Rd. Lancaster, New York 14086	Tennis Instructor	\$5.00 hr.
Samuel Harmon 94 S. Irwinwood Rd. Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Karen Herdzik 68 Church St. Lancaster, New York 14086	Substitute-Playgrounds	\$5.00 hr..
Glenn Jackson 288 Miller St. Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Amy Jacobs 6008 Genesee St Lancaster, New York 14086	Tennis Instructor	\$5.25 hr.
Jessica Java 3548 Bowen Rd. Lancaster, New York 14086	Playgrounds	\$5.50 hr.

		Page 489
Amy Lynn Makja 15 Old Orchard Common Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Marc Manak 138 Harvey Dr. Lancaster, New York 14086	Tennis Instructor	\$5.25 hr.
Terrance McCarthy 56 Antoinette Dr. Lancaster, New York 14086	Playground	\$5.75 hr.
Daniel Nosek 58 Gordon Ave. Lancaster, New York 14086	Tennis Instructor	\$6.00 hr.
Joseph Noszkowski 12 Markey St. Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Joseph Peresan 60 Christen Ct. Lancaster, New York 14086	Lifeguard	\$5.00 hr.
Rae Ann Ripa 5 Evergreen Dr. Lancaster, New York 14086	Tennis Instructor	\$6.25 hr.
James Snyder 40 Hillside Pkwy. Lancaster, New York 14086	Park Security	\$6.25 hr.
Julie Ann Vogel 104 Albert Dr. Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Amy Winiewicz 33 Deerpath Dr. Lancaster, New York 14086	Playgrounds	\$5.00 hr.
Dawn Wroblewski 42 Lancaster Ave. Lancaster, New York 14086	Substitute-Playgrounds	\$5.00 hr.
James Cohan 2001 Como Park Blvd. Lancaster, New York 14086	Laborer (retro-active to 6/12/95)	\$5.25 hr.
Dory Muhitch 5 Ashford Place Depew, New York 14043	Lifeguard	\$5.00 hr.
Brian Urbanski 21 Sagebrush Lane Lancaster, New York 14086	Recreation Attendant	\$5.00 hr.
Sean Zaffram 28 Tanglewood Drive Lancaster, New York 14086	Recreation Attendant	\$5.00 hr.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.PERS.SUMMER.YTH (P1-2)

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER VAN NORTWICK,
TO WIT:

*Described
9/26/95*

WHEREAS, the Town of Lancaster has received a Draft Environmental Impact Statement (DEIS) for the Tops Food Distribution Facility located on the south side of Genesee Street at Gunnville Road in said Town, and

WHEREAS, Clough, Harbour & Associates, Engineers, has reviewed the DEIS and has determined that all of the necessary comments and references specifically related to this project have been incorporated therein, and

WHEREAS, the Town Board has determined it is in the public interest to hold a public hearing for the purpose of obtaining public comment regarding said Impact Statement;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby accepts the Draft Environmental Impact Statement submitted for the Tops Food Distribution Facility and deems it acceptable for review by the public.

2. That public hearings will be held for the purpose of obtaining public comment regarding the Draft Environmental Impact Statement for the Tops Food Distribution Facility, on the 11th day of July 1995, at 7:00 o'clock P.M., Local Time, at the Aurora Middle School, 148 Aurora Street, Lancaster, New York, and on the 17th day of July 1995, at 7:00 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and that a notice of the time and place of such Hearings be published on or before June 22, 1995, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Accept.DEIS.Tops.

**LEGAL NOTICE
TOWN OF LANCASTER**

**STATE ENVIRONMENTAL QUALITY REVIEW
NOTICE OF COMPLETION
OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
NOTICE OF PUBLIC HEARING**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement has been completed and accepted by the Town of Lancaster, New York Town Board, as lead agency, for the proposed action described below. Comments on the DEIS are requested and will be accepted by the contact person until July 27, 1995. The Town Board will hold a Public Hearing at the Aurora Middle School, 148 Aurora Street, Lancaster, New York on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time, for the purpose of obtaining public comment regarding the Draft EIS on this project.

Name of Action: Proposed Tops Distribution Center, 136.66 +/- acres, 5867 Genesee Street, Town of Lancaster, Erie County, New York

Petitioner: Tops Markets, Inc., 6363 Main Street, Williamsville, New York 14221

SEQR Status: Type 1 Action

Description of Action: The proposed action involves the development of a 136.66 +/- acre parcel of land for a food distribution facility for a local grocery chain. The action will involve the rezoning of the parcel from RCO - Residential, Commercial, Office and AR - Agricultural Residential to LI - Light Industrial and the construction of an 867,713 square foot building with ancillary buildings, parking, utilities, a storm water management system and landscaping. A private sanitary sewer will extend via a pump station and force main to a point on Pavement Road, approximately 0.65 ± miles southeast of the development site. As a result of this action, several road improvements will be required such as a new traffic signal at the intersection of Gunville Road and Genesee Street and a turning lane for trucks along the road frontage on Genesee Street. The action will also include the demolition of several existing structures along the Genesee Street road frontage.

Location: Approximately 136.66 +/- acres located on the south side of Genesee Street at Gunville Road in the Town of Lancaster, Erie County, New York and having a street address of 5867 Genesee Street in the Town of Lancaster, New York.

Potential Environmental Impacts: The document analyzes the impacts of the proposed Tops Distribution Center on the following: Land use and zoning; geology and soils; terrestrial and aquatic ecology; hydrology; community services; agricultural land resources; geology and topography; hydrology and water resources; air resources and noise levels; cultural resources; solid waste; community facilities, services and utilities; energy resources; transportation.

A copy of the DRAFT EIS may be reviewed at:

Contract Person: Joseph F. Reina, Lancaster Town Attorney
Address: 21 Central Avenue, Lancaster, New York 14086
Telephone No.: (716)684-3342

A COPY OF THIS NOTICE AND/OR DEIS WERE SENT TO:

NYS Office of Parks, Recreation and Historic Preservation
NYS Department of Transportation
NYS Department of Environmental Conservation
Commissioner, NYS Department of Environmental Conservation
NYS Department of Health
Erie County Department of Environment and Planning
Erie County IDA
Erie County Water Authority
Erie County Department of Public Works, Division of Highways
Town of Lancaster Council Members
Town of Lancaster Supervisor
Town of Lancaster Attorney's Office
Town of Lancaster Town Clerk
Town of Lancaster Planning Board
Town of Lancaster Town Engineer
Town of Lancaster Building Inspector

Full opportunity to be heard will be given to any and all citizens
and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

June 19, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER POKORSKI TO WIT:

RESOLVED, that the following Building Permit Applications be
 and are hereby approved and the issuance of these Building Permits be and are
 hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2663		Donald Kurnik	24 Via Donato W	Er. Gazebo
2664		Richard Brzostowski	42 Markey Ave	Alter Porch
2665		Fischione Const	200 Enchanted Fst S	Er. Sin. Dwlg
2666		Anthony Campanelli Sr	2 Northbrook Ct	Er. Deck
2667		Michael Coervasio	221 Warner Rd	Er. Fence
2668		Suzanne Pace	41 Rue Madeleine Wa	Er. Pool Deck
2669		Pat Silvaroli	48 Westwood Rd	Er. Shed
2670		Centennial Homes	7 Sagebrush Ln	Er. Sin. Dwlg
2671		Beauty Pools	45 Whitestone Ln	Er. Fence/Pool
2672		Majestic Pools Inc	4 Pine View Ln	Er. Pool
2673		Patrick Rinow	21 Redlein Dr	Er. Shed
2674		Swimco Pools	42 Gale Dr	Er. Pool
2675 SW		McGuire Contracting	1500 Townline Rd	Er. Sin. Dwlg
2676		Chris Sendker	58 Running Brk Dr	Er. Deck
2677		Michael/Cynthia Carducci	21 Woodgate Dr	Er. Deck
2678		Michael Nosbisch	42 Signal Dr	Er. Deck
2679		Ryan Homes	23 Signal Dr	Er. Sin. Dwlg
2680		Joseph Magiera	21 Rue Madeleine Wa	Er. Pool
2681		Albert Fuller	6 Northbrook Ct	Er. Roof Over Deck
2682		Decks Unlimited Const	8 Woodgate Dr	Er. Deck
2683		M J Ogiony Bldrs	44 Stream View Ln	Er. Sin. Dwlg
2684		M/M Brown	1154 Penora St	Er. Pool
2685		Mark Davern	4580 Walden Ave	Er. Pool
2686		Karen Walczak	23 Quail Run Ln	Er. Deck
2687		The Wine & Liquor Station	4779 Transit Rd	Inst. Temp Sign
2688		Swimco Pools	196 Enchanted Fst N	Er. Pool
2689		Edward Wargala	4 Pine View Ln	Er. Fence
2690		T J Povinelli	6 Winding Way	Er. Deck

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2691	Rodney Miller	32 Signal Dr	Er. Pool
2692	John Polcyn	6 Nichter Rd	Er. Deck
2693	DiSanto Jet Gas Inc	480 Aurora St	Install Propane Exchange Cab
2694	Cornelia Mattioli	23 Ronald Dr	Er. Fence
2695	Ambush Construction	4779 Transit Rd	Alt. Store Front
2696	Bernard Wojcinski	9 Bridgewater Ct	Er. Shed
2697	Parkhaven Builders Inc	111 Michael's Wlk	Er. Sin. Dwlg
2698	Majestic Pools Inc	25 Oakwood Comm	Er. Fence
2699	Patricia Martin	42 Whitestone Ln	Inst. TV Dish
2700	Richard Miles	55 Rehm Rd	Er. Sin. Dwlg
2701	Marrano Marc Equity	24 Whitestone Ln	Er. Sin. Dwlg
2702	Stratford Homes Inc	6 Butler Dr	Er. Sin. Dwlg
2703	M/M Wilson	83 Michael's Wlk	Er. Deck
2704	Forbes Homes, Inc	24 Cambridge Ct	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, Try-It Distributing Co., Inc., 210 Industrial Parkway, Cheektowaga, New York 14227 has transmitted a site plan for the construction of a 140,000 s.f. beverage distribution warehouse on premises located on the south side of Walden Avenue, West of Pavement Road, in the Town of Lancaster. and

WHEREAS, the Town Board has caused a review of the aforementioned site plan, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Try-It Distributing Co., Inc., as prepared by DiDonato Associates, P.E., P.C., dated May 5, 1995, for the construction of a 140,000 s.f. distribution warehouse, on premises located on the south side of Walden Avenue, west of Pavement Road, in the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Site.Plan.Aprv.Try.it.

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA, TO WIT:

WHEREAS, LYNNE KRAWCZYK, 5337 Genesee Street, Bowmansville, Lancaster, New York, has transmitted a site plan for the construction of a day care center (Kids Korner, Inc.), on premises located on the south side of Wehrle Drive, 800 feet east of Transit Road in the Town of Lancaster.

WHEREAS, the Town Board has caused a review of the aforementioned site plan, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Lynne Sutton Krawczyk, as prepared by Mark A. Dean, Architect, dated May 8, 1995, for the construction of a day care center on premises located on the south side of Wehrle Drive, 800 feet east of Transit Road, in the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Site.Plan.Aprv.

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, PATRICK BURKE, 6455 Lake Avenue, Orchard Park, New York 14127, has heretofore applied for approval of a subdivision known as HUNTERS CREEK NORTH, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and reviewed the beforementioned project;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the subdivision known as HUNTERS CREEK NORTH, as filed by Patrick Burke, dated January 3, 1995, and
2. That the Town Clerk of the Town of Lancaster be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Sub.Aprvl.Hntrs.Crk.N.

Supervisor Greco requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER VAN NORTWICK,
TO WIT:

*Recorded
6/26/95*

WHEREAS, TOPS MARKETS, INC. 6363 Main Street, Williamsville, New York 14221, the proposed developer of a parcel of land located on the south side of Genesee Street at Gunnville Road, in the Town of Lancaster, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of said property from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District, and

WHEREAS, the petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a Public Hearing on the proposed rezone will be held at the Aurora Middle School, 148 Aurora Street, Lancaster, New York, on the 11th day of July, 1995 at 7:00 o'clock P.M., Local Time and at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board; and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

June 19, 1995

File: R.Set.Pub.Hrg.Tops

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

Page 499

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 19th day of June, 1995, the said Town Board will hold a Public Hearing at the Aurora Middle School, 148 Aurora Street, Lancaster, New York, on the 11th day of July, 1995, at 7:00 o'clock P.M., Local Time, and a Public Hearing at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1995, at 7:00 o'clock P.M., Local Time to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster County of Erie, State of New York, being part of Lots 9 and 11, Section 6, Township 11, Range 6 of the Holland Land Company's Survey. More particularly described as follows:

BEGINNING at the northwest corner of Lot 9, being at a point in the centerline of Genesee Street, said centerline being the north line of Lot 9;

THENCE, S-86°-46'-41"-E along the north line of Lot 9 a distance of 1,202.24 feet;

THENCE, S-01°-13'-46"-W and along the west line of lands conveyed to Iroquois Gas Corporation by Liber 7532 of Deeds at Page 85 a distance of 3,923.70 feet to the south line of Lot 9, Section 6;

THENCE, N-85°-49'-03"-W along the south line of Lot 9, Section 6 a distance of 1,192.77 feet to the southwest corner of Lot 9;

THENCE, continuing N-85°-49'-03"-W along the south line of Lot 11, Section 6 a distance of 326.25 feet;

THENCE, N-01°-04'-41"-E a distance of 3,898.68 feet to the north line of Lot 11, also being the centerline of Genesee Street;

THENCE, S-86°-45'-41"-E along the north line of Lot 11 a distance of 326.00 feet to the point of beginning.

Containing 136.66 acres of land more or less.

Full opportunity to be heard will be given to any all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: Robert P. Thill
Town Clerk

June 19, 1995

COMMUNICATIONSPage 500
DISPOSITION

- | | |
|--|--|
| 270. Town Clerk to Supervisor -
Monthly report for May 1995. | <u>R & F</u> |
| 271. Fire Inspector to Town Board -
Request installation of fire hydrant south of
Gardens Hotel, 6615 Transit Rd. | <u>R & F</u> |
| 272. Town Attorney to Town Board -
Explanation of reasoning of Michael Passucci's
rezone request for 197-199 Cemetery Rd. with
transmittal of letters from his attorneys re:
same. | <u>R & F</u> |
| 273. Care for Lancaster to Various Town Officials -
Request DEIS for proposed Tops Distribution
Center for review. | <u>PLANNING BOARD</u>
<u>PLANNING COMMITTEE</u>
<u>TOWN ATTORNEY</u> |
| 274. Police Chief to Town Board -
Comments re: Autumn Park subdivision final plat
plan approval. | <u>R & F</u> |
| 275. Police Chief to Town Board -
Comments re: Queen's Park subdivision final
plat plan approval. | <u>R & F</u> |
| 276. Building Inspector to Dana Warman -
Denial of permission to remove topsoil from
Walnut Creek Subdivision until 95% complete. | <u>PLANNING COMMITTEE</u>
<u>BUILDING INSPECTOR</u>
<u>TOWN ENGINEER</u> |
| 277. Receiver of Taxes to Town Board -
Transmittal of fourth settlement payment to
County re: 1995 County/Town Tax Warrant. | <u>R & F</u> |
| 278. Town Clerk to Zoning Board Members, Building
Inspector and Town Attorney -
Transmittal of legal notice for meeting
rescheduled from 6/8/95 to 6/15/95. | <u>R & F</u> |
| 279. Town Engineer to Town Board -
Notification of resignation of Francesco Caico
effective 5/31/95. | <u>RECREATION COMMITTEE</u> |
| 280. The Ice Castle to Town Board -
Data re: proposed sports facility at Walden
Pond Park. | <u>R & F</u> |
| 281. Via Donato/Via Tripodi Block Party Committee to
Supervisor -
Notice of block party to be held 7/29/95. | <u>RECREATION COMMITTEE</u> |
| 282. Sheldon H. Weaver to Town Board -
Comments re Schultz C&D Landfill in Cheektowaga | <u>PLANNING COMMITTEE</u>
<u>HUMAN SERVICES</u> |
| 283. Bowmansville Vol. Fire Assoc. to Town Board -
Addition of active member to roster. | <u>R & F</u> |
| 284. Melvin H. Szymanski to Supervisor -
Letter of resignation and reappointment date. | <u>R & F</u> |
| 285. Melvin H. Szymanski to Supervisor -
Letter of resignation eff. 6/9/95. | <u>R & F</u> |
| 286. Concerned residents on William St. to Supervisor -
Seek to lower speed limit on William St.
between Bowen and Schwartz Roads. | <u>PUBLIC SAFETY</u> |
| 287. Robert Sundick, Ph.D., Western Michigan University
to Town Board and Planning Board -
Comments re. archaeological site on land being
petitioned for rezone for Tops. | <u>PLANNING COMMITTEE</u>
<u>TOWN ATTORNEY</u>
<u>TOWN CLERK</u> |
| 288. Edward and Arlene Buszka to Town Clerk -
Letter against rezone petition of Paul Pautler | <u>TOWN ATTORNEY</u>
<u>PLANNING COMMITTEE</u> |

- | | |
|---|--|
| 289. Frank J. Willand to Town Clerk -
Withdrawal of Gregory Zafirakis's petition to
rezone 5408-5418 Genesee St. | <u>TOWN ATTORNEY</u> |
| 290. David and Ermalu Zurawski to Supervisor -
Express interest to purchase town property
behind 4853 William St. | <u>TOWN ATTORNEY</u> |
| 291. Donald Gallo, P.E. to Councilman Kwak -
Recommends award for Contract 9E (Electrical)
to Timon Electrical Const. Inc. (Westwood Pk.) | <u>R & F</u> |
| 292. Donald Gallo, P.E. to Councilman Kwak -
Recommends award for Contract 9G (General)
to MGR Constructors. (Westwood Pk.) | <u>R & F</u> |
| 293. Donald Gallo, P.E. to Councilman Kwak -
Recommends award for Contract 9H (HVAC) to
Allied Mechanical. (Westwood Pk.) | <u>R & F</u> |
| 294. Donald Gallo, P.E. to Councilman Kwak -
Recommends award for Contract 9R (Roadway
and Parking to Milherst Construction, Inc.
(Westwood Pk.) | <u>R & F</u> |
| 295. Donald Gallo, P.E. to Councilman Kwak -
Recommends no award for Contract 9ST (Shelters)
due to funding limitations. (Westwood Pk.) | <u>R & F</u> |
| 296. Toronto Historical Board to Town Board -
Recommends thorough heritage review of before
any redevelopment - Tops Markets and the
Nursery site. | <u>PLANNING COMMITTEE</u>
<u>TOWN ATTORNEY</u>
<u>TOWN CLERK</u> |
| 297. Town Highway Superintendent to Town Board -
In agreement with acceptance of bids for two
trucks and roller. | <u>HIGHWAY COMMITTEE</u>
<u>TOWN ATTORNEY</u> |
| 298. NYSDEC to Town Attorney -
SEQR Lead Agency Designation - Hunters Creek
North Subdivision. | <u>R & F</u> |
| 299. Institute of Archaeology Horn Archaeological Museum
to Leona Federowicz -
Comments re. preservation of land at nursery
site on Genesee St. | <u>PLANNING COMMITTEE</u>
<u>TOWN ATTORNEY</u>
<u>TOWN CLERK</u> |
| 300. County DEP to Town Attorney -
SEQR Referral Review, Lead Agency Designation
Hunters Creek North Subdivision. #M617-95-43 | <u>R & F</u> |
| 301. County DEP to Town Attorney -
SEQR Referral Review, Lead Agency Designation
Kids Korner Day Care Center Site Plan.
#M617-95-46. | <u>R & F</u> |
| 302. County DEP to Town Attorney -
SEQR Referral Review, Lead Agency Designation
Try-It Warehouse Facility. #M617-95.37. | <u>R & F</u> |
| 303. County DEP to Town Attorney -
SEQR Referral Review, Lead Agency Designation
Rezone for Gasoline Storage Tanks. #M617-95-39. | <u>R & F</u> |
| 304. NYSDEC to Town Attorney -
SEQR Lead Agency Designation, Pautler Rezone. | <u>R & F</u> |
| 305. NYSDEC to Town Attorney -
Lead Agency Designation proposed Kids Korner
Day Care Center - Wehrle Drive. | <u>R & F</u> |
| 306. David & Joyce Gregory to Town Board -
Express interest to lease or purchase piece
of land adjacent to 73 Steinfeldt Rd. | <u>TOWN ATTORNEY</u> |

COMMUNICATIONS, CONT'DDISPOSITION

307. Town Attorney to Leona J. Federowicz - Reply to letter of June 5, 1995 concerning proposed Tops Warehouse and Distribution Fac.	<u>PLANNING COMMITTEE</u> <u>PLANNING BOARD</u> <u>TOWN CLERK</u>
308. Youth Bureau Director to Supervisor - Recommendation of individuals for temporary positions in the Youth Bureau.	<u>R & F</u>
309. Clough, Harbour & Associates to Supervisor- DEIS Review, Tops Distribution Warehouse.	<u>R & F</u>
310. Katherine Hayman to Supervisor - Offer to sell piece of property adjacent to Town Complex on Pavement Rd.	<u>TOWN ATTORNEY</u>
311. Assemblywoman Sandra Lee Wirth to Supervisor - Seeks use of Town Hall 7/20/95 to conduct open forum re. workers compensation.	<u>POST FOR TOWN CLERK</u>
312. Pine Hill Concrete Mix Corp. to Supervisor - Letter of support for the Tops Warehouse.	<u>TOWN CLERK</u>
313. Senator Volker to Supervisor - Advisement of monies from the State Budget.	<u>TOWN CLERK</u>
314. Town Engineer to Town Board - Recommends acceptance of P.I.P. Nos. 395, 396 and 397 for Glen Hollow Phase IIA.	<u>PLANNING COMMITTEE</u> <u>TOWN ATTORNEY</u> <u>TOWN CLERK</u>

PERSONS ADDRESSING TOWN BOARD:

Rizzo, Anthony, 190 Lawrence Drive, Amherst, spoke to the Town Board on the following matter:

Representing local area union members, spoke in favor of Tops.

Rufel, Larry, 25 Kelly Ann Drive, Lancaster, spoke to the Town Board on the following matter:

Spoke in favor of Tops Rezone.

Gerace, Carmen, 43 Hidden Trail, Lancaster, spoke to the Town Board on the following matter:

Spoke in favor of Tops Rezone.

Klinko, Robert, 4199 Sheva Lane, Hamburg, spoke to the Town Board on the following matter:

Representing the Teamsters Union, spoke in favor of Tops Rezone.

Palmeri, Kandy, 5815 Genesee Street, Lancaster, spoke to the Town Board on the following matter:

Spoke in favor of Tops Rezone.

Kraus, Tom, 7 Partridge Walk, Lancaster, spoke to the Town Board on the following matter:

Spoke in favor of Tops Rezone.

Joseph, Dorothy, 5962 Genesee Street, Lancaster, spoke to the Town Board on the following matter:

Inquired about present status of the Town's Comprehensive Plan.

Hass, Eugene, 21 Southwest Parkway, Lancaster, spoke to the Town Board on the following matter:

Spoke in favor of Tops Rezone.

Jankowiak, Mark, 1318 Ransom Road, Lancaster, spoke to the Town Board on the following matter:

Inquired about the time table for adoption of the Comprehensive Plan.

Beilman, Jack, 19 Inwood Place, Lancaster, spoke to the Town Board on the following matters:

Spoke in opposition to Tops Rezone.

Urged the Town Board to get a good sound system for Town Board meetings.

Horn, Scott, 11 Stonybrook Drive, Lancaster, spoke to the Town Board on the following matter:

Spoke in opposition to Tops Rezone.

Palmeri, Sam, 5815 Genesee Street, spoke to the Town Board on the following matters:

Spoke in opposition to Tops Rezone.

Expressed concern about Comprehensive Plan for Genesee Street corridor.

Moessinger, Debbie, 1312 Ransom Road, Lancaster, spoke to the Town Board on the following matter:

Spoke in opposition to Tops Rezone.

Savatteri, Diane, 289 Stony Road, Lancaster, spoke to the Town Board on the following matter:

Spoke in opposition to Tops Rezone.

ADJOURNMENT:

ON MOTION OF COUNCILMAN POKORSKI, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:55 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk